

# ACKNOWLEDGEMENT

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PALESTINE

Registry Number

FROM

No.

Dated

Received in Registry

153.04/3087/31  
A. D. Twist  
12/11/44

The Balfour Declaration...  
...of the League of Nations...  
...of the Council...  
...of the Assembly...

Last Paper.

(Minutes.)

References.

The Zionists always claim, in their propaganda, that the Mandate was endorsed by fifty States, i.e., presumably all members of the League in 1922 or 1923. The mandate entered into force by virtue of a resolution of the Council, but it is possible that there may have been some act of approval by the Assembly.

(Print.)

61918

(How disposed of.)

Mr. A. D. Twist  
W.O.  
from Mr. Balle  
enc  
Mr. Beeley  
New York

Apart from League members, the United States approved both the Balfour Declaration and the Mandate.

Libary, for advice on answer  
to Mr. Twist.

Mr. Beeley 12/14

(Action completed.)

(Index.)

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Next Paper.

Here we have to draw a distinction between formal approval and acceptance of the Balfour Declaration - which, however, by the terms of the Palestine Mandate and the acceptance of that instrument by the large majority of States, must surely have found a very definite place in the law of nations. To establish formal approval is a rather complicated business, especially without a definition of the term, but I

1
2
3
4
5
6

Reference:- FO 371 / 61918

hope the following information will prove of value.

In a letter of 1st March, 1920 addressed to Mr. Vansittart, Dr. Weizmann said that "all the Allied and Associated Powers are definitely committed to the principle of the Jewish National Home", and this statement was not questioned at the time (E 869/61/44/1920 - not attached). But commitment to the principle of the Jewish National Home does not necessarily mean approval of the Balfour Declaration, and in any case Dr. Weizmann may, deliberately or accidentally, have omitted to insert the word "Principal" before "Allied and Associated". Alternatively, as regards the lesser Allied etc. Powers, he may have been basing himself on published statements of policy or assurances given to the Zionist Organisation - of which we would not necessarily have a record (although the Zionist Organisation undoubtedly would).

We can, however, say definitely that the Principal Allied and Associated Powers (France, Italy, Japan and the U.S. associated themselves with the Balfour Declaration - the first three during the war, and the U.S. (not being at war with Turkey) by a joint Resolution of Congress approved by the President in September, 1922 and by Article I of the U.N. - U.S.A. Convention of 3rd December, 1924 (Treaty Series No. 54/1925). (No additions to this list are mentioned in Sokolov's "History of Zionism", Leonard Stein's "Zionism", Temperley's "History of the Peace Conference" or in the Chatham House Survey).

As regards the other Powers, the first complication is that many of the Allied and Associated Powers were not at war with Turkey (Bolivia, Brazil, China, Cuba, Ecuador, Honduras, Liberia, Nicaragua, Panama, Peru, Siam and Uruguay) and did not therefore sign the Treaty of Sevres with Turkey on 10th August, 1920. The next complication is that that treaty, while it laid down the procedure which was subsequently followed for bringing the Mandate into force, never itself entered into force. By Article 95 of this treaty, the Mandatory for Palestine was to be "responsible for putting into effect the declaration originally made on the 2nd November, 1917 by the British Government, and quoted by the other Allied Powers". Here we have a statement of fact to which a number of States put their signature, and although the treaty itself proved abortive it might well be argued that the signatory States had, by this underlined phrase, associated themselves with the Balfour Declaration. (For a list of these States, see later in this minute).

Next we can consider the constitution of the League Council which approved the terms of the Mandate (which refers to the Balfour Declaration) on 24th July, 1922. The States (apart from the British Empire) were France, Italy, Japan, Spain, Belgium, Brazil, and China; and to these might be added Sweden and Uruguay who were Council members at the time when the Council notified the entry into force of the Mandate on 29th September 1923, although the case in regard to these two is obviously not so strong as in regard to Spain etc.

We must now turn to States who were League Members (but not represented on the Council) on the appropriate dates, and here, I suggest, the position is not so clear. The Principal Allied Powers were responsible for drawing up the terms of the Mandate and the League Council for approving those terms, but the League Assembly was not concerned. It could presumably be argued that membership of the League at the time when the Council approved the Mandate plus failure to protest against

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Comps.

U.S. Dept. New York.

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(Restricted)

1	2	3	4	5	6
		1		2	

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Reference:-

FO

371 / 61918

the decision (and there appears to have been no protest or disclaimer) implied, if not approval, at any rate acceptance.

As regards States which joined the League subsequent to the entry into force of the Mandate, it would, I imagine, be impossible to argue that they thereby approved everything previously done by the League and that they thereby approved the terms of the Mandate, implying approval of the Balfour Declaration. I think that all that could be said is that they accepted an existing state of affairs unless they expressed views to the contrary.

On the basis of the foregoing, I have drawn up lists of States by categories in what seems to me the decreasing order of importance as evidence of those States' approval of the Declaration.

A. Countries which associated themselves with the Balfour Declaration independently of the mandate:-

United States (by joint Resolution of Congress and by the Anglo-U.S. Convention of 1924).

France (by declaration) all three also  
Italy ( " " ) covered by B. and  
Japan ( " " ) C. but not listed  
thereafter.

B. Other countries which associated themselves with the Declaration as members of the League Council:-

Belgium (also covered by C)  
Spain  
Brazil  
China

Sweden ) as "possibles" by virtue of mem-  
Uruguay) bership of League Council on entry  
into force of the mandate. They  
have been included in list D.

C. Other countries, by virtue of signature or accession to Treaty of Sevres:-

(British Dominions signed separately but have not been included in this list).

Greece )  
Poland )  
Portugal ) All included  
Roumania ) in List D.  
Czechoslovakia )  
Yugoslavia (by subsequent  
accession)

D. States, Members of the League (but not on League Council) at date of approval of the Mandate:-

Albania/

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1
2
3
4
5
6
1
2
3
4
5
6

Reference:-  
**FO**  
371 / 61918

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Albania	Greece	Poland
Argentina	Guatemala	Portugal
Austria	Hayti	Salvador
Bolivia	Honduras	Roumania
Bulgaria	Latvia	Siam
Chile	Liberia	Sweden *
Colombia	Luxembourg	Switzerland
Costa Rica	Netherlands	Uruguay *
Cuba	Nicaragua	Venezuela
Czechoslovakia	Norway	Yugoslavia
Denmark	Panama	
Estonia	Paraguay	
Finland	Peru	
	Persia	

(\* See also List B.)

E. States Members of the League subsequent to date of approval of the Mandate but before entry into force thereof:-

Hungary  
 Ethiopia.  
 Eire (presumably we need not in this connexion go into the extent to which Eire was covered by the United Kingdom's previous actions).

(I assume Eastern Department will refer this paper to a Legal Adviser).



21/4  
 Mr Beelan was unable to deal with this paper before he left for N. York

Legal Adviser

(Mr Evans is away) J. S. Beins  
 May 1st

We shall no doubt give due substance to the point raised in the minutes. I do not think that any former member of the League could now take formal objection to the principle of the Balfour Declaration - but there is of course room for much argument as to how it should be implemented - and indeed whether its implementation is possible under present circumstances - J. S. Beins

Letter to Mr. T. W. ...  
 10/5

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1
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5
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**FO**  
 371 / 61918









Registry E 3087/3087/31  
No. ~~2314/144/87~~  
J.E.C.

Draft.

Top Secret.  
Secret.  
Confidential.  
Restricted.  
Open.

To

Mr. H.A. TWIST  
Dominions Office

From

Mr. ~~W.H.~~ J.E. CABIE

(Copy of Mr. Gray's  
minute)

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUT FILE | C Foreign Office S.W.1.  
~~Dear Twist~~ 15 16 May 1947 8  
Dear Twist.

As Mr. Bailey is away in New York I am replying to your letter of the 10th April about the approval of the Balfour Declaration by members of the League of Nations. I enclose a copy of a minute prepared in this Department which gives the history of this question. I hope this will enable you to satisfy the Canadian Government.

I am sending a copy of this letter and its enclosure to Mr. BREWSTER in New York.

It is not considered possible from the legal stand point for any former member of the League to make formal objection to the principle of the Balfour declaration, but there is much room for argument about the means and, indeed, the possibility of its implementation in present circumstances.

J.E. 10/5

1	2	3	4	5	6
		1			
			2		

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10

I am sending a copy of this  
letter and its enclosure to  
Mr. Beeley in New York.

Yours sincerely

(Sgd.) (J. . Cable)

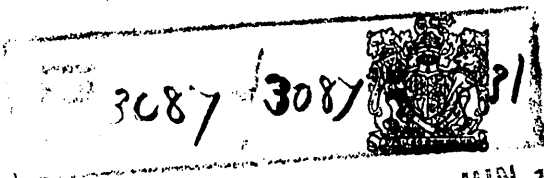
1	2	3	4	5	6

Reference:-

**FO**

371 / 61918

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19 JUN 1947

UNITED KINGDOM DELEGATION TO THE UNITED NATIONS  
EMPIRE STATE BUILDING  
NEW YORK 1, N. Y.

TELEPHONE:  
LONGACRE 5-2070

13th June, 1947.

52/108/47.

Dear Department,

We should be interested to see a copy of the letter of 10th April from Twist, Dominions Office, which is referred to in Cable's letter E3087/3087/31 of 19th May to Twist (copy of which you sent to Beeley here).

Yours ever,

DELEGATION.

INDEXED

Eastern Department,  
Foreign Office,  
London, S.W.1.

11  
E End

1					
2					
3					
4					
5					
6					

Reference:-

FO

371 / 61918

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